UNITED STATES DISTRICT COU	JRT
SOUTHERN DISTRICT OF NEW	YORK
	v

ABDALLAH MOHAMAD BALAGHI

Plaintiff

-against-

MICHAEL MUKASEY, Attorney General of the United States; MICHAEL CHERTOFF, Secretary, Department of Homeland Security; JONATHAN SCHARFEN, Acting Director, U.S. Citizenship and Immigration Services; ANDREA QUARANTILLO, New York District Director, U.S. Citizenship and Immigration Services

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WRIT	OF	MA	ND	AMUS	

Civil Action No.

USCIS No. A 046 657 016

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 	 		X

Plaintiff, ABDALLAH MOHAMAD BALAGHI, through undersigned counsel, alleges as follows:

1. Plaintiff is a native and citizen of Lebanon. He has been a lawful permanent resident of the United States since 13 March 1998. At all times hereinafter-mentioned Plaintiff was and still is a resident of Queens County. He currently resides at 28-11 41 Street, 3rd Floor, Astoria, NY 11103. His alien registration number is A 046 657 016. See Exhibit A (Permanent Resident Status).

- 2. Defendant MICHAEL MUKASEY is the Attorney General of the United States; Defendant MICHAEL CHERTOFF is the Secretary, Department of Homeland Security ("DHS"); Defendant JONATHAN SCHARFEN is the Acting Director, U.S. Citizenship and Immigration Services ("USCIS"); and Defendant ANDREA QUARANTILLO is the New York District Director of the United States Citizenship and Immigration Services ("USCIS") with the supervisory authority over all operations of the USCIS within the New York district, including the authority to grant or deny naturalization applications submitted to the USCIS within the New York district pursuant to 8 U.S.C. § 1421 and 1427. Defendants are sued herein in their official capacities. Defendants are charged by law with the statutory obligation to adjudicate applications for naturalization.
- 3. The Court has jurisdiction of this action pursuant to 28 U.S.C. 1331, 28 U.S.C. 1361, and 5 U.S.C. 701 et seq., and relief is requested pursuant to said statutes. This is a civil action to redress the deprivation of rights, privileges, and immunities secured to Plaintiff by compelling Defendants to perform a duty Defendants owe to Plaintiff.
- 4. Venue is proper in this Court under 28 U.S.C. 1391(e) because Defendant ANDREA QUARANTILLO resides in this district.
- 5. On or about 26 November 2004 Plaintiff filed an Application for Naturalization (Form N-400) with the Defendants. See Exhibit B (Receipt Notice).

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- 6. By Notice of Action (Form I-797C), dated 28 September 2005, Defendants scheduled Plaintiff for an initial naturalization interview on 10 November 2005. See Exhibit C (Initial Interview Notice). Subsequently, by Notice of Action (Form I-797C) dated 25 October 2005, Defendants descheduled the previously scheduled interview for 10 November 2005. See Exhibit D (Interview Descheduled by INS).
- 7. To date, Plaintiff has not been scheduled for an interview on his application. Plaintiff has made repeated inquiries of Defendants to learn the status of his application and has learned only that the rescheduling of his interview is pending completion of a background security check.
- 8. Defendants have given no indication when Plaintiff may be interviewed and his application adjudicated.
- 9. Defendants, in violation of law and regulations, have willfully and unreasonably refused to adjudicate Plaintiff's "Application for Naturalization" ("Form N-400"), thereby depriving Plaintiff of the benefit of becoming a citizen of the United States.
 - 10. Plaintiff has exhausted any administrative remedies that may exist.

WHEREFORE, Plaintiff prays that the Court:

- Compels Defendants and those acting under them to perform their duty to 1. adjudicate Plaintiff's application; and
- Grant such other and further relief as this Court deems proper under the 2. circumstances.

Respectfully submitted,

Dated: 17 June 2008 PLUNKETT & DONNARD

Brian Donnard - BD 7318

Counsel for Plaintiff 401 Broadway, Suite 912 New York, New York 10013

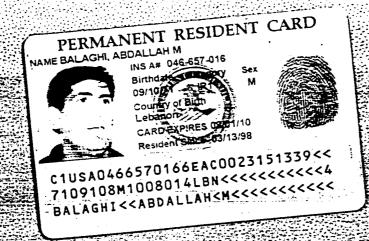
(212) 219-9866

Plaintiff: Abdallah Mohamad BALAGHI

USCIS No.: A 046 657 016

INDEX OF EXHIBITS

- A) U.S. Permanent Resident Card;
- B) Form I-797C, dated 2 December 2004, evidencing receipt of Application for Naturalization (Form N-400) on 26 November 2004;
- C) Form I-797C, dated 28 September 2005, requesting initial naturalization interview on 10 November 2005; and
- D) Form I-797C, dated 26 October 2005, descheduling the previously scheduled interview for 10 November 2005.



NOTICE DATE December 02, 2004 Receipt INS A# CASE TYPE A 046 657 016 Application For Naturalization N400 PAGE PRIORITY DATE RECEIVED DATE APPLICATION NUMBER November 26, 2004 1 of 1 November 26, 2004 ESC*001337714

APPLICANT NAME AND MAILING ADDRESS

ABDALLAH MOHAMAD BALAGHI

c/o JOSEPH W PLUNKETT ESQ

PLUNKETT & DONNARD

401 BROADWAY SUITE 912

NEW YORK NY 10013

PAYMENT INFORMATION:

Single Application Fee:

\$390:00

Total Amount Received:

\$390.00

Total Balance Due:

\$0.00

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The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth:

September 10, 1971

Address Where You Live: 28-11 41ST STREET #3RD FLOOR

ASTORIA NY 11103

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 540 days of this notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS atwww.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:

US IMMIGRATION AND NATURALIZATION SERVICE 75 LOWER WELDEN STREET ST ALBANS VT 05479**INS Customer Service Number:**

(800) 375-5283

REPRESENTATIVE COPY



ESC\$001310631

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Request for Applicant to Appear for Na	turalization Initial Interview		NOTICE DATE September 28, 2005	
CASE TYPE N400 Application For Naturalization			INS A# A 046 657 016	
APPLICATION NUMBER ESC*001337714	RECEIVED DATE November 26, 2004	November 26, 2004	PAGE 1 of 1	
APPLICANT NAME AND MAILING ADDRESS ABDALLAH MOHAMAD BALAGHI CA LOSEDH W DI LINKETT ESO		Please come to: US CITIZENSHIP & IMMIGRATION SERVICE		

c/o JOSEPH W PLUNKETT ESQ PLUNKETT & DONNARD 401 BROADWAY SUITE 912 NEW YORK NY 10013

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711 STEWART AVENUE CITIZENSHIP & IMMIGRATION SERVICE MAIN ROOM GARDEN CITY NY 11530

On (Date): Thursday, November 10, 2005

At (Time): 07:30 AM

You are hereby notified to appear for an interview on your Application for Naturalization at the date, time, and place indicated above. Waiting room capacity is limited. Please do not arrive any earlier than 30 minutes before your scheduled appointment time. The proceeding will take about two hours. If for any reason you cannot keep this appointment, return this letter immediately to the INS office address listed below with your explanation and a request for a new appointment; otherwise, no further action will be taken on your application.

If you are applying for citizenship for yourself, you will be tested on your knowledge of the government and history of the United States. You will also be tested on reading, writing, and speaking English, unless on the day you filed your application, you have been living in the United States for a total of at least 20 years as a lawful permanent resident and are over 50 years old, or you have been living in the United States for a total of 15 years as a lawful permanent resident and are over 55 years old, or unless you have a medically determinable disability (you must have filed form N648 Medical Certification for Disability Exception, with your N400 Application for Naturalization).

You MUST BRING the following with you to the interview:

- This letter.
- Your Alien Registration Card (green card).
- Any evidence of Selective Service Registration.
- Your passport and/or any other documents you used in connection with any entries into the United States.
- Those items noted below which are applicable to you:

If applying for NATURALIZATION AS THE SPOUSE of a United States Citizen;

- Your marriage certificate.
- Proof of death or divorce for each prior marriage of yourself or spouse.
- Your spouse's birth or naturalization certificate or certificate of citizenship.

If applying for NATURALIZATION as a member of the United States Armed Forces;

• Your discharge certificate, or form DD 214.

If copies of a document were submitted as evidence with your N400 application, the originals of those documents should be brought to the interview.

PLEASE keep this appointment, even if you do not have all the items indicated above.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

INS Office Address:

NEW YORK NY 10278-

US IMMIGRATION AND NATURALIZATION SERVICE USCIS 7TH FLOOR ROOM 7-700 26 FEDERAL PLAZA

INS Customer Service Number: (800) 375-5283

(000) 3/3 3203

REPRESENTATIVE COPY





Interview Descheduled by INS			October 25, 2005
CASE TYPE N400 Application For Naturalization	1		INS A# A 046 657 016
APPLICATION NUMBER ESC*001337714	RECEIVED DATE November 26, 2004	November 26, 2004	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS
ABDALLAH MOHAMAD BALAGHI
c/o JOSEPH W PLUNKETT ESQ
PLUNKETT & DONNARD
401 BROADWAY SUITE 912

NEW YORK NY 10013

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This is to advise you that, due to unforeseen circumstances, we have had to cancel the previously scheduled interview on Thursday, November 10, 2005 at 07:30 AM for the above applicant. We regret any inconvenience this may cause.

We will advise you of any further action taken on this case, including any rescheduled interview information, under separate notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

INS Office Address:

US IMMIGRATION AND NATURALIZATION SERVICE USCIS 7TH FLOOR ROOM 7-700 26 FEDERAL PLAZA NEW YORK NY 10278INS Customer Service Number:

(800) 375-5283

